

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TECHNOLOGY PROPERTIES LIMITED,

No. C 14-03640 CW

Plaintiff,

MINUTE ORDER AND
CASE MANAGEMENT
ORDER

v.

CANON, INC., et al.,

Defendants.

TECHNOLOGY PROPERTIES LIMITED,

No. C 14-03641 CW

Plaintiff,

v.

FALCON NORTHWEST COMPUTER SYSTEMS,
INC.,

Defendant.

TECHNOLOGY PROPERTIES LIMITED,

No. C 14-03642 CW

Plaintiff,

v.

HITI DIGITAL, INC., et al.,

Defendants.

TECHNOLOGY PROPERTIES LIMITED,

No. C 14-03643 CW

Plaintiff,

v.

HEWLETT-PACKARD COMPANY,

Defendant.

1 TECHNOLOGY PROPERTIES LIMITED,

No. C 14-03644 CW

2 Plaintiff,

3 v.

4 KINGSTON TECHNOLOGY CO., INC.,

5 Defendant.

6 _____/

7 TECHNOLOGY PROPERTIES LIMITED,

No. C 14-03645 CW

8 Plaintiff,

9 v.

10 NEWEGG INC., et al.,

11 Defendants.

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13 TECHNOLOGY PROPERTIES LIMITED,

No. C 14-03646 CW

14 Plaintiff,

15 v.

16 SEIKO EPSON CORPORATION, et al.,

17 Defendants.

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19 TECHNOLOGY PROPERTIES LIMITED,

No. C 14-03647 CW

20 Plaintiff,

21 v.

22 SHUTTLE INC, et al.,

23 Defendants.

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25 TECHNOLOGIES PROPERTIES LIMITED,

No. C 14-04616 CW

26 Plaintiff,

27 v.

28 ACTION ELECTRONICS CO., LTD., et al.,

_____/

1 Clerk: Nikki D. Riley Reporter: Diane Skillman
 2 Plaintiff Attorney: Denise Demory; Anthony Simon appearing via
 CourtCall; Benjamin Askew appearing via CourtCall
 3 Defendant Attorney: David Maiorana; Jacqueline Lee; Megan Olesek;
 Gordon Fauth, Jr.; Andrew Oliver; Marcia Sundeen; David Hoffman;
 William Devitt; Michael Melendez

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 5 A case management conference was held on: 11/19/2014. The Case
 Management Statement and Proposed Order filed by the parties is hereby
 6 adopted by the Court as the Case Management Order for the case, except
 as may be noted below. The Court's standard Order for Pretrial
 Preparation, distributed at the conference, also applies. **Plaintiff**
 7 **to file its amended complaint by Friday, 11/21/2014. The Court sets**
12/5/2015 as deadline for: HiTi and Sony to file their answer; for
 8 **the parties to either stipulate or object to the Technical Advisor**
that the Court proposes appointing on the case. Plaintiff to file
 9 **a motion to dismiss the counterclaims by 12/12/2014. The patent**
case protective order on the Court's website is ordered in effect
 10 **and shall remain in effect until counsel submits their own**
stipulated protective order. Plaintiff's opening brief re claim
 11 **construction is due 1/29/2015; Defendants' joint opposition is due**
 12 **4/23/2015; Plaintiff's reply is due 5/21/2015; hearing will be held**
6/11/2015.

13 The case is hereby referred to the following ADR process:
 Non-binding Arbitration: ☐ Early Neutral Evaluation: ☐
 14 Court-connected mediation: ☒ Private mediation: ☐
 Magistrate Judge settlement conference: ☐
 15 ADR session to be held by: (2/1/15)
 (or as soon thereafter as is convenient to the mediator's schedule)

16 Deadline to add additional parties or claims: (12/5/14)
 17 Date of next case management conference: (6/11/15)

18 Completion of Fact Discovery: (tbd)
 Disclosure of identities and reports of expert witnesses: (tbd)
 19 Completion of Expert Discovery: (tbd)

20 Further case management conference, and claim construction
 to be heard at 2:00 P.M. on or before:

21 (6/11/15)
 Final Pretrial Conference at 2:00 P.M. on: (tbd)
 22 A day Trial will begin at 8:30 A.M. on: tbd

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1 **Discovery disputes** will be referred to a Magistrate Judge. After
2 the parties have met and conferred, the parties shall prepare a
3 joint letter of not more than 8 pages explaining the dispute. Up
4 to 12 pages of attachments may be added. The joint letter must be
5 electronically filed under the Civil Events category of "Motions
6 and Related Filings > Motions-- General > Discovery Letter Brief."
7 The Magistrate Judge to whom the matter is assigned will advise the
8 parties of how that Judge intends to proceed. The Magistrate Judge
9 may issue a ruling, order more formal briefing, or set a telephone
10 conference or a hearing. After a Magistrate Judge has been
11 assigned, all further discovery matters shall be filed pursuant to
12 that Judge's procedures.

13 **Motions for Summary Judgment:** Absent permission from the Court, all
14 case-dispositive motions in a case will be briefed and heard
15 together, on the case-dispositive motion hearing cut-off date, or
16 on an earlier available date agreed to by the parties. Multiple
17 parties should file joint briefs if possible. If Plaintiffs wish
18 to file a motion for summary judgment, they shall do so 6 weeks
19 before the cut-off date. If Defendants wish to file a cross-motion
20 as well as an opposition to the motion, any cross-motion shall be
21 contained within the opposition to the motion, which may contain up
22 to 25 pages in total, and shall be filed 14 days after the filing
23 of the motion. The reply to the motion shall include the
24 opposition to any cross-motion, may contain up to 15 pages in
25 total, and shall be filed 7 days after the filing of the
26 opposition. A reply to any cross-motion may contain up to 15
27 pages, and shall be filed 7 days after the filing of the
28 opposition. If Plaintiffs do not file a motion for summary
judgment, Defendants may file one 5 weeks before the case-
dispositive motion hearing cut-off date and the schedule in Local
Rule 7-3 shall apply. Courtesy copies of multi-page exhibits for
chambers should be clearly marked with tabbed dividers.

Civil motion calendar is conducted on Thursdays at 2:00 p.m.
Parties need not reserve a hearing date for civil motions; however,
parties must check the legal newspapers or the Court's website at
www.cand.uscourts.gov for unavailable dates.

A Further Case Management Conference will be held on the case-
dispositive motion hearing cut-off date, whether or not dispositive
motions are filed.

Dated: 11/19/2014


CLAUDIA WILKEN

United States District Judge

Copies to Chamber; ADR

ORDER FOR PRETRIAL PREPARATION

PRETRIAL CONFERENCE

1. Not less than 28 days prior to the pretrial conference, counsel shall **exchange** (but not file or lodge) the papers described in Civil L.R. 16-10(b)(7),(8),(9), and (10), and their motions in limine.

2. At least 21 days before the final pretrial conference, lead counsel who will try the case shall meet and confer with respect to:

(a) Preparation and content of the joint pretrial conference statement;

(b) Resolution of any differences between the parties regarding the preparation and content of the joint pretrial conference statement and the preparation and exchange of pretrial materials to be served and lodged pursuant to this Order for Pretrial Preparation. To the extent such differences are not resolved, the parties will present the issues in the pretrial conference statement so that the judge may rule on the matter during the pretrial conference; and

(c) Settlement of the action.

3. Not less than 14 days prior to the pretrial conference, counsel shall submit the following.

(a) Pretrial Conference Statement. The parties shall file a joint pretrial conference statement containing the following information:

(1) The Action.

(A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed. A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed.

(2) The Factual Basis of the Action.

1 (A) Undisputed Facts. A plain and concise
2 statement of all relevant facts not reasonably disputed.

3 (B) Disputed Factual Issues. A plain and concise
4 statement of all disputed factual issues which remain to
5 be decided.

6 (C) Agreed Statement. A statement assessing
7 whether all or part of the action may be presented upon
8 an agreed statement of facts.

9 (D) Stipulations. A statement of stipulations
10 requested or proposed for pretrial or trial purposes.

11 (3) Disputed Legal Issues. Without extended
12 legal argument, a concise statement of each disputed
13 point of law concerning liability or relief.

14 (4) Further Discovery or Motions. A statement of
15 all remaining discovery or motions.

16 (5) Trial Alternatives and Options.

17 (A) Settlement Discussions. A statement
18 summarizing the status of settlement negotiations and
19 indicating whether further negotiations are likely to be
20 productive.

21 (B) Consent to Trial Before a Magistrate Judge. A
22 statement whether the parties consent to a court or jury
23 trial before a magistrate judge, with appeal directly to
24 the Ninth Circuit.

25 (C) Bifurcation, Separate Trial of Issues. A
26 statement of whether bifurcation or a separate trial of
27 specific issues is feasible and desired.

28 (6) Miscellaneous. Any other subjects relevant to
the trial of the action, or material to its just, speedy
and inexpensive determination.

(b) Exhibit List and Objections. The exhibit list
shall list each proposed exhibit by its number (see Civil
L.R. 30-2(b)), description, and sponsoring witness, followed
by blanks to accommodate the date on which it is marked for
identification and the date on which it is admitted into

1 evidence. **No party shall be permitted to offer any exhibit**
2 **in its case-in-chief that is not disclosed in its exhibit**
3 **list without leave of the Court for good cause shown.**

4 Parties shall also deliver a set of premarked exhibits to the
5 Courtroom Deputy. The exhibit markers shall each contain the
6 name and number of the case, the number of the exhibit, and
7 blanks to accommodate the date admitted and the Deputy
8 Clerk's initials. (Appropriate sample forms are available on
9 the Court's website at www.cand.uscourts.gov). Any
10 objections to exhibits which remain after the pretrial
11 meeting shall be indicated in the pretrial statement.

12 (c) Witness List. In addition to the requirements
13 of FR CivP 26(a)(3)(A), a brief statement describing the
14 substance of the testimony to be given by each witness who
15 may be called at trial. **No party shall be permitted to call**
16 **any witness in its case-in-chief who is not disclosed in its**
17 **pretrial statement without leave of Court for good cause**
18 **shown.**

19 (d) Use of Discovery Responses. In addition to
20 the requirements of FR CivP 26(a)(3)(B), a designation of any
21 excerpts from interrogatory answers or from responses for
22 admissions intended to be offered at trial. Counsel shall
23 indicate any objections to use of these materials and that
24 counsel have conferred respecting such objections.

25 (e) Trial briefs. Briefs on all significant
26 disputed issues of law, including foreseeable procedural and
27 evidentiary issues, which remain after the pretrial meeting.

28 (f) Motions in Limine. Any motions in limine that

1 could not be settled at the pretrial meeting shall be filed
2 with the pretrial statement. All motions in limine shall be
3 contained within one document, limited to 25 pages pursuant
4 to Civil L.R. 7-2(b), with each motion listed as a
5 subheading. Opposition to the motions in limine shall be
6 contained within one document, limited to 25 pages, with
7 corresponding subheadings, and filed seven (7) days
8 thereafter.

9 (g) Joint Proposed Voir Dire. The attached voir
10 dire questionnaire will be given to the venire members, and
11 copies of the responses will be made available to counsel at
12 the beginning of voir dire. Counsel may submit a set of
13 additional requested voir dire, to be included in the
14 questionnaire or posed by the Court, to which they have
15 agreed at the pretrial meeting. Any voir dire questions on
16 which counsel cannot agree shall be submitted separately.
17 Counsel may be allowed brief follow-up voir dire after the
18 Court's questioning.

19 (h) Joint Proposed Jury Instructions. As
20 applicable, jury instructions §1.1A, §1.1C, §1.2 through
21 §1.17, §1.19, §2.1 through §2.13, §3.1 through §3.3 from the
22 Manual of Model Civil Jury Instructions for the Ninth Circuit
23 (most recent edition) will be given absent objection.
24 Counsel shall jointly submit one set of additional proposed
25 jury instructions, to which they have agreed at the pretrial
26 meeting. The instructions shall be ordered in a logical
27 sequence, together with a table of contents. Any instruction
28 on which counsel cannot agree shall be marked as "disputed,"

1 and shall be included within the jointly submitted
2 instructions and accompanying table of contents, in the place
3 where the party proposing the instruction believes it should
4 be given. Argument and authority for and against each
5 disputed instruction shall be included as part of the joint
6 submission, on separate pages directly following the disputed
7 instruction.

8 The parties shall email to cwpo@cand.uscourts.gov a copy
9 of their proposed jury instructions in WordPerfect or Word
10 format. The subject of the email should include the name of
11 the parties, the case number and a description of the
12 document.

13 (i) Proposed Verdict Forms, Joint or Separate.

14 (j) Proposed Findings of Fact and Conclusions of
15 Law (Court Trial only). The Court requests that the parties
16 hyperlink each proposed Finding of Fact to any supporting
17 evidence. The parties shall email to cwpo@cand.uscourts.gov a
18 copy of their proposed findings of fact and conclusions of
19 law in WordPerfect or Word format. The subject of the email
20 should include the name of the parties, the case number and a
21 description of the document.

22 JURY SELECTION
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24 The Jury Commissioner will summon 20 to 25 prospective
25 jurors. The Courtroom Deputy will select their names at
26 random and seat them in the courtroom in the order in which
27 their names are called. Copies of their questionnaires will
28 be provided to counsel.

1 Voir dire will be asked of sufficient venire persons so
2 that eight (or more for a lengthy trial) will remain after
3 all peremptory challenges and an anticipated number of
4 hardship dismissals and cause challenges have been made.

5 The Court will then take cause challenges, and discuss
6 hardship claims from the individual jurors, outside the
7 presence of the venire. The Court will inform the attorneys
8 which hardship claims and cause challenges will be granted,
9 but will not announce those dismissals until the process is
10 completed. Each side may then list in writing up to three
11 peremptory challenges. The attorneys will review each
12 other's lists and then submit them to the Courtroom Deputy.

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14 Then, from the list of jurors in numerical order, the
15 Court will strike the persons with meritorious hardships,
16 those excused for cause, and those challenged peremptorily,
17 and call the first eight people in numerical sequence
18 remaining. Those people will be the jury.

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20 All jurors remaining at the close of the case will
21 deliberate. There are no alternates.

22 SANCTIONS

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24 Failure to comply with this Order is cause for sanctions
25 under Federal Rule of Civil Procedure 16(f).

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28 IT IS SO ORDERED.

Dated: _____


CHARLES WILKEN
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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JUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name:

2. Your age:

3 The city where you live:

How long have you lived there: _____

4. Your place of birth:

5. Do you rent or own your own home?

6. Your marital status: (circle one)

single married live with partner separated divorced
widowed

7. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

8. Who is (or was) your employer?

9. How long have you worked for this employer? _____

10. Please list the occupations of any adults with whom you live.

11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

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12. Please describe your educational background:

Highest grade completed: _____

College and/or vocational schools you have attended:

Major areas of study: _____

13. Have you ever served on a jury before? _____ How many
times? _____

If yes: State/County Court _____ Federal Court _____

When? _____

Was it a civil or criminal case? _____

Did the jury(ies) reach a verdict? _____

14. Attached is a list of the parties in this case, the law
firms representing the parties, attorneys in this case,
and persons who are potential witnesses in this case. Do
you know, or think you know, any of the persons listed?

Yes: _____ No: _____

If so, make a check next to their name.